THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.11595 of 1996
And
W.P.No.15733 of 1996

DATED: 07-03-2007

BETWEEN:

W.P.No.11595 of 1996:

N. Vaman Rao and 7 others

… Petitioners

and

State Bank of Hyderabad,
Head Office, Hyderabad,
Rep. By its Managing Director

… Respondent

W.P.NO.15733 OF 1996:

P.G. Deshpande, S/o. Govind Rao,
And 10 others

…Petitioners

and

State Bank of Hyderabad,
Head Office, Hyderabad,
Rep. By its Managing Director

… Respondent

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NOS.11595 AND 15733 OF 1996

COMMON ORDER:

The eleven (11) petitioners are aggrieved at not being placed in Scale.IV with effect from 01-10-1979, (in implementation of the judgment in W.A.No:470 of 1993) and seek a direction to the respondent-Bank to place them in Scale.IV with effect from the said date and to give them automatic promotion to Scale-V and subsequent scales from the respective dates of their attaining eligibility for such

higher grade scales. As on the date of filing of the writ petition on 05-08-1996, all the petitioners except petitioner Nos.5, 6, 10 and 11 had retired from service. These petitioners have also retired subsequently, the last of them-the petitioner No.10 retired on 31-08-1999.

The petitioners served the respondent Bank as officers in Senior Management Grade Scales-IV and V (SMGS). The petitioners assert that pursuant to the judgment dated.27-11-1987 in W.A.No.470 of 1983 as confirmed by the Supreme Court by the dismissal of S.L.P.No.6174 of 1998 on 12-10-1995, the respondent-Bank had placed all officers who were in the erstwhile Grade. I as on 30-07-1979 in MMGS Gr.II pursuant to the judgment in the Writ Appeal mentioned above, and is considering further promotions to various Grade scales such as MMGS-III, SMGS-IV and SMGS-V for the years 1983 onwards, the petitioners are before this Court seeking the reliefs set out in the writ petition.

At the hearing of the writ petition, the learned counsel for the petitioners did not press part of the relief, i.e. as to automatic promotion from Scale.V onwards, on realization that was no legal basis for this claim. The relief in the writ petition is thus confined to a direction to the respondent-Bank to place the petitioners in Scale.IV with effect from 01-10-1979.

On facts, the State Bank of Hyderabad (Officers) Service Regulations, 1979 (the Regulations) came into effect from 01-10-1979. Earlier to the Regulations, there were five (5) grades amongst Officers in the respondent-Bank, namely, General Managers, Assistant General Managers, “A” Grade Officers, Grade.I Officers and Grade.II Officers. The Regulations brought about a restructuring of the Officers’ category. Accordingly the General Managers’ category was re-designated as Top Executive Grade and the Assistant General Managers’ category as S.M.G. Scale V. There is no dispute on this re-designation. In respect of other categories, namely “A” Grade Officers, Grade.I Officers and Grade.II Officers, the restructuring

brought about a change in the category also with each class. Under the restructuring, Grade.A Officers promoted as such on or before 30-09-1979 were redesignated as SMGS-IV Officers while those promoted after 30-09-1979 were re-designated as MMSG-III Officers. This was with effect from 01-10-1979, within the coming into force of the Regulations. That is when the grievance and the cause of action for the petitioners arose.

All the petitioners were Grade “A” Officers promoted as such after 30-09-1979. According to the restructuring they were categorized as MMGS-III while their colleagues who were promoted to Grade ”A” prior to 30-09-1979 were placed in SMGS-IV, a higher grade with better service benefits including pay packets.

Similar restructuring was effected in respect of Grade.I Officers. Grade.I Officers promoted on or before 31-12-1972 were redesignated as MMGS-II while Grade.I Officers promoted after 31-12-1972 were redesignated as JMSG-I Officers. Insofar as Grade.II Officers is concerned, on restructuring all the erstwhile Grade.II Officers were placed in JMSG-I together with Grade.I Officers promoted as such after 31-12-1972.

Challenging the restructuring process, Grade.I Officers had filed W.P.No.3829 of 1981. The writ petition was dismissed. Those Officers preferred W.A.No:479 of 1983. By the Judgment dated 27-11-1987 the writ Appeal was allowed. This Court found the restructuring on the basis of a cut-off date and bifurcating the erstwhile composite group of Grade.I Officers into MMSG.II and JMSG-I on the sole basis of the date certain officers were promoted to Grade.I (i.e., prior or later to 31-12-1972) as violative of the equality injunctions of the Constitution. On this analysis W.A.No:470 of 1993 declared that all Grade.I Officers were entitled to be treated as in MMSG.II with effect from 01-10-1979 and to all consequential reliefs including monetory benefits, seniority and consideration for promotion to higher posts. The Division Bench of this Court held that as the grant of relief to the appellants alone was

likely to create further complications amongst Grade.I Officers, the respondent-Bank should place all Officers of Grade.I into MMGS-II with effect from the appointed date duly maintaining the inter se seniority in Grade.I, with consequent benefits. Drawing inspiration from the judgment in W.A.No.470 of 1983 dated.27-11-1987 and almost nine (9) years after the said judgment, the petitioners have filed these writ petitions in 1996. On 26-04-1986 the respondent-Bank had issued a circular to implement the judgment in WA No.470 of 1993, after the dismissdal of the Bank's appeal by the Supreme Court.

This Court is not inclined to grant relief in these writ petitions. The cause of action for the petitioners' grievance arose on 01-10-1979 with the issuance of the Regulations under which the recategorisation was effected. The differential treatment to erstwhile Grade. "A" Officers, (to which category the petitioners belong) is a consequence of the restructuring under the Regulations. If they were aggrieved by the differential treatment they should have been sought relief with a reasonable time and without latches and delay. This they have not done. If the date of the coming into force of the Regulations is taken into account there is a delay of 17 years. Even if the date of the judgment in W.A.No.470 of 1983 is taken into account there is a delay of nearly nine (9) years.

Latches and delay is a potent solvent of even legal rights. This is a well-recognized principle. There are other public interest concerns involved. The financial implication on the bank, the effect of reordering settled events long after positions have settled and the consequent administrative chaos, disentitle the petitioners to grant of relief.

The writ petitions are barred by latches and delay and are accordingly dismissed. In the circumstances there shall be no order as to costs.

The writ petitions are accordingly dismissed. But in the circumstances, without costs.

GODA RAGHURAM, J.

Dated: 7-3-2007.
Rns.